

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Case No: 16-20218  
Honorable Victoria A. Roberts

NORMAN SHY,

Defendant.

**ORDER REGARDING APPLICATION FOR ENTRY OF  
PRELIMINARY ORDER OF FORFEITURE**

The Government filed the application at issue following Defendant's guilty plea on May 11, 2016 to Count One and Two of the information: Conspiracy to Commit Federal Program Bribery in violation of 18 U.S.C. §§ 371, 666(a)(1)(B) and Federal Income Tax Evasion in violation of 26 U.S.C. §7201.

In the Defendant's Rule 11 Plea Agreement, he agreed to the relief now requested by the Government.

In his response to the Application for Entry of Preliminary Order of Forfeiture (Doc. #24), Defendant says that the Government may not now seek this Application because his guilty plea was taken under advisement and, therefore, Fed. R. Crim. P. 32.2(b)(1)(B), was not triggered:

As soon as practical after . . . a plea of guilty . . . is accepted, on any count in an indictment or information regarding which criminal forfeiture is sought, the court must determine what property is subject to forfeiture under the applicable statute . . . If the government seeks a personal money judgment, the court must determine the amount of money that the

defendant will be ordered to pay.

Defendant is wrong; the Court did accept his guilty plead and Fed. R. Crim. P. 32.2(b)(1)(B) was indeed triggered. The Court may determine what property is subject to forfeiture.

This determination is made easy by the fact that the Government seeks forfeiture only of what Defendant agreed to in the Rule 11 Plea Agreement. And, the Court is bound to act expeditiously. Fed. R. Crim. P. 32.2(b)(2)(A) and (B) provide for entry of a preliminary order of forfeiture, and on a timely basis:

If the court finds that property is subject to forfeiture, it must promptly enter a preliminary order of forfeiture *setting forth the amount of any money judgment, directing the forfeiture of specific property*, and directing the forfeiture of any substitute property if the government has met the statutory criteria.

\* \* \*

Unless doing so is impractical, the court must enter the preliminary order *sufficiently in advance of sentencing* to allow the parties to suggest revisions or modifications before the order becomes final as to the defendant.

If, as Defendant suggests, there are persons who believe they have an interest in property the Government seeks for forfeit, they may file claims as provided by law.

The Court will enter the more formal Preliminary Order of Forfeiture.

/s/ Victoria A. Roberts  
Victoria A. Roberts  
United States District Judge

Dated: June 30, 2016

The undersigned certifies that a copy of this document was served on the attorneys of record by electronic means or U.S. Mail on June 30, 2016.

s/Linda Vertriest \_\_\_\_\_  
Deputy Clerk